

BOARD OF APPEALS MINUTES

JUNE 11, 2002

On Tuesday June 11, 2002, at 7 p.m. the Town of Clarence Board of Appeals heard the following requests for variances:

APPEAL NO I Theodore & Elizabeth Anthonson Residential B	Requests the Board of Appeals approve and grant a three foot (3') variance creating a nineteen foot (19') height for a carriage shed garage located at 10670 Boyd Drive.
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Appeal No I is in variance to Article II, section 30-13 B, accessory buildings.

APPEAL NO II Lisa Laroussi Residential A	Requests the Board of Appeals approve and grant a two foot (2') height variance creating a six foot (6') fence height in the front yard at 5260 Shadyside Drive. (corner of Greiner)
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Appeal No II is in variance to L.L. 101-3, C (2) fence regulations.

APPEAL NO III Yongmi Oddo Major Arterial	Requests the Board of Appeals approve and grant two variances: 1. A seven foot (7') variance creating a three foot (3') side yard setback for construction of an addition at 6399 Transit Road. 2. A seventy two foot (72') variance creating a sixty three foot (63') front yard setback from the centerline of Transit Road for construction of an addition to existing structure for conversion to a beauty salon at 6399 Transit Road.
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Appeal No III is in variance to Article VIII-A section 30-49.4 A & B, size of yards.

APPEAL NO IV Vincent Celestino Agricultural	Requests the Board of Appeals approve and grant a fifty foot variance (50') creating a fifty foot (50') side lot line for construction of a pond at 8975 Sesh Road.
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Appeal No IV is in variance to L.L. Chapter 93-19 D 1, pond specifications.

APPEAL NO V Michael Brady Agricultural	Requests the Board of Appeals approve and grant a two hundred foot (200') variance creating a three hundred foot (300') front lot line setback for construction of a new home at 5855 Thompson Road.
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Appeal No V is in variance to Article V, section 30-27 B, size of yards.

APPEAL NO VI
John & Lisa Iorfida
Agricultural

Requests the Board of Appeals approve and grant an eleven foot (11') variance creating a forty eight foot (48') front lot line setback for construction of a private garage in the front yard at 8730 Wolcott Road.

Appeal No VI is in variance to Article V, section 30-27 C, size of yards.

ATTENDING:

John P. Brady
John Gatti
Ronald Newton
Arthur Henning
Raymond Skaine

**INTERESTED
PERSONS:**

Elizabeth Anthonson
Theodore Anthonson
Lisa Laroussi
Yongmi Oddo
Vincent Celestino
Michael K. Brady
John Iorfida

MINUTES

Motion by Raymond Skaine, seconded by John Gatti to approve the minutes of the meeting held on May 14, 2002 as written.

ALL VOTING AYE. MOTION CARRIED.

Page 2002-32

APPEAL NO I
Theodore Anthonson
Residential B

Requests the Board of appeals approve and grant a three foot (3') variance creating a nineteen foot (19') height for a carriage shed garage located at 10670 Boyd Drive.

DISCUSSION;

The applicant stated that their house has an eleven twelve pitch, and they wanted to try and keep the same type of roof line to match the house. They have a small house and it will provide extra storage. The existing garage will be removed. No one on the board had a problem with the request.

ACTION: Motion by Raymond Skaine, seconded by Arthur Henning to approve Appeal No I as written.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO II
Lisa Laroussi
Residential A

Requests the Board of Appeals approve and grant a two foot (2') height variance creating a six foot (6') fence height in the front yard at 5260 Shadyside Drive.

DISCUSSION:

Mrs. Laroussi said it is actually the side yard, the side near Greiner Road. They would like the higher fence for the security and safety of their children. They would like to put a pool in the yard in the future, and this is the area that they have chosen to do so. They would like privacy so no one could look into the yard. Arthur Henning said he didn't see the need for it. They would like to cut down on some of the noise from the traffic on Greiner Road, and they have seen several six foot fences on Greiner Road. Ray asked where the other six foot fences were located. There is one on the south side of Greiner near Willowbrook. Her mother saw one somewhere else, but Lisa didn't know the location. Ray Skaine said he thought it would alter the character of the neighborhood. He thought it would ruin the whole look of the corner. They bought the home recently, and should have thought about the fence. John Gatti suggested installing a solid fence instead of chain link, two feet isn't going to keep anyone out.

Page 2002-33

ACTION: Motion by Raymond Skaine, seconded by John Gatti to deny Appeal No II as written because it will be an undesirable change, and will alter the character of the neighborhood. The benefits sought can be achieved by some other method than a six foot fence. The area variance is quite substantial four feet over six feet.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO III
Yongmi Oddo
Major Arterial

Requests the Board of Appeals approve and grant two Variances:
1. A seven foot (7') variance creating a three foot (3') side yard setback for construction of an addition at 6399 Transit Road.

2. A seventy two foot (72') variance creating a sixty three foot (63') front yard setback from the center line of Transit Road for construction of an addition to existing structure for conversion to a beauty salon at 6399 Transit Road.

DISCUSSION:

The applicant explained that they would like to add 750 square feet to the existing 915 square foot existing home for the purpose of a beauty salon. They will be adding fourteen feet to the west side or the front of the home and 12.79 feet to the south side of the property. The home to the south of them is being demolished for the new Holiday Retirement project. They will line up with the antique business to the north of them owned by Jerry Ritch. The existing front porch will be removed for the new addition to the west. They will black top an area in the rear for additional parking. They would like to put a pole sign in front, but they will have to apply for a variance for the sign. The property was not staked so the board did not have an accurate picture of what they were requesting.

ACTION:

Motion by Raymond Skaine, seconded by Ronald Newton to table this item. The board will return when the property has been properly staked. The applicants were advised to apply for a variance for the sign, and stake the sign location. The board needs more information.

ALL VOTING AYE. MOTION CARRIED.

Page 2002-34

ITEM IV
Vincent Celestino
Agricultural

Requests the Board of Appeals approve and grant a fifty foot (50') variance creating a fifty foot (50') side lot line for construction of a pond at 8975 Sesh Road.

DISCUSSION:

Mr. Celestino said he is planning on building a new home in the flood zone, and has to bring it up three or four feet. He would have to bring in a lot of fill so he would like to dig a pond and use the fill on his lot. Arthur Henning asked the applicant why he didn't have the fill trucked in. Mr. Celestino said it would be too expensive. Mr. Newton asked the applicant what he was going to do to protect his neighbors. Mr. Celestino said his neighbor has had a pond for twenty or thirty years, and has never had an incident. Raymond Skaine said he was not in favor of a fifty foot variance, the law was written that way for a reason. He suggested that Mr. Celestino buy additional land next door.

Two hundred feet is not wide enough for a pond. Mr. Celestino said he could make the pond smaller and have 75 foot side yards. John Gatti said he thought Mr. Celestino had a hardship with the cost of the fill if he has to truck it in. He is in a flood area and he needs it. Ray Skaine said he created his own hardship by buying in a flood zone. Mr. Celestino said he would re-configure the pond and have seventy five foot side yard setbacks.

ACTION:

Motion by John Gatti, seconded by Arthur Henning to approve Appeal No IV with the modification that the side lot setbacks are at 75 feet for the construction of the pond. The hardship of the applicant would be financial.

Ron Newton	AYE
Arthur Henning	AYE
John Gatti	AYE
Raymond Skaine	NAY
John Brady	AYE

MOTION CARRIED.

Page 2002-35

APPEAL NO V
Michael Brady
Agricultural

Requests the Board of Appeals approve and grant a two hundred foot (200') variance creating a three hundred foot (300') front lot line setback for construction of a new home at 5855 Thompson Road.

DISCUSSION:

Mr. Brady said six lots north were approved at a 300 foot setback. Mr. Metz owns the land. His daughter lives on the front corner of the adjacent property, and she does not have a problem with the variance. Mr. Anastasi said he did not have a problem either. Ron Newton asked about the lots to the south. Mr. Brady said the lots to the south are shallower than 300 feet. Mr. Carl Binner lives next door and also owns the property in between the lots. His house is located at 125 feet from the property line. He would agree to a 175 foot setback, but does not want a house way behind his. Mr. Newton told Mr. Brady if he goes back to 300 feet, he will be in Mr. Binner's backyard, and he doesn't want to see that happen. He has a right to his backyard privacy. There is a line established to your south, if you go back to 300 feet, Mr. Binner will lose his privacy, and you do not have to go back that far. After Mr. Binner's family is grown, he intends to build another smaller home on his lot next door. Mr. Binner also told Mr. Brady if he

wants to be 300 feet back, there is a lot on the north side that is for sale. Arthur Henning asked if there was room for compromise. Mr. Brady said the absolute minimum setback he could live with is 250 feet, and he doesn't believe he is in Mr. Binner's backyard. John Gatti said he didn't feel the future home that Mr. Binner might build should be taken into consideration. It might never happen.

ACTION:

Motion by Ron Newton, seconded by Raymond Skaine to deny Appeal No V in so far as it is not in keeping with the character of the neighborhood. It will greatly affect the existing residents' privacy. The hardship is not that great that it can't be surmounted by moving the house forward. The compromise distance of 175 feet is unacceptable to the applicant.

Arthur Henning AYE

Raymond Skaine AYE

Ronald Newton AYE

John Gatti NAY compromise is possible

John Brady AYE

MOTION CARRIED.

Page 2002-36

APPEAL NO VI
John & Lisa Iorfida
Agricultural

Requests the Board of appeals approve and grant an eleven foot (11') variance creating a forty eight foot (48') front lot line setback for construction of a private garage in the front yard at 8730 Wolcott Road.

DISCUSSION:

The Iorfida's would like to erect a pole barn with two doors and use it as a garage. It is even with the front of the house, and it would be the most convenient spot to put the garage. They have a barn at the end of the driveway, so it is about the only place he could put it. If he put it on the other side of the house, the drain for the septic field is there. The pole barn will have a concrete floor. The doors to the garage will be facing the house. The neighbor next door did not have any objections.

ACTION:

Motion by Raymond Skaine, seconded by John Gatti to approve Appeal No VI as written.

ALL VOTING AYE. MOTION CARRIED.

Meeting adjourned at 8:30 p.m.
John P. Brady, Chairman